

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ML Strategies, LLC,

Plaintiff,

v.

The Noisette Company, LLC
d/b/a Noisette Company,

Defendant.

MOTION FOR RULE 16 CONFERENCE

Plaintiff ML Strategies, LLC ("ML Strategies") hereby requests that the Court convene a scheduling conference pursuant to Fed. R. Civ. P. 16 and LR. D. Mass. 16.1 in the above-referenced case. As grounds therefor, ML Strategies states that this is a collection case seeking payment of a performance bonus for strategic consulting services rendered by ML Strategies on defendant's behalf. The complaint was filed approximately four months ago, on or about April 2, 2004 ("Massachusetts Action"). Later the same day, defendant The Noisette Company, LLC ("Noisette") filed a declaratory judgment action in South Carolina state court, which ML Strategies removed to federal court in South Carolina on May 4, 2004. The Noisette Company, LLC v. ML Strategies, LLC, USDC-SC No. 2:04-1403-18 ("South Carolina Action"). Noisette moved to dismiss the Massachusetts Action on April 22, 2004 for lack of personal jurisdiction and ML Strategies filed an opposition to Noisette's motion on May 6, 2004. Such motion is pending with the Court and no hearing date has been set. In a similar fashion, ML Strategies moved to dismiss, stay or transfer the South Carolina Action on or about June 1, 2004. By

agreement, on or about June 28, 2004, the South Carolina Action was stayed pending a decision by Judge Lindsay on Noisette's Motion to Dismiss. See copy of the Order dated June 28, 2004 issued by U.S.D.C. for the District of South Carolina, attached as Exhibit A. At this time, ML Strategies requests that the Court schedule a Rule 16 conference so that the case can move forward in an efficient manner. See Fed. R. Civ. P. 16 cmts. to 1983 Amend. Such a conference will allow the parties to establish a schedule for the case including a hearing date on the motion to dismiss, a discovery deadline, and a trial date.

For these reasons, ML Strategies respectfully requests that the Court schedule a Rule 16 conference at the Court's earliest convenience.

ML STRATEGIES, LLC

By its attorneys,



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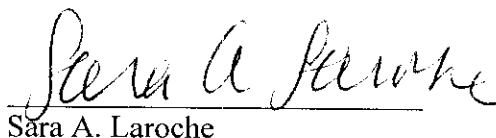
Boston, MA 02109

(617) 367-1970

Dated: August 11, 2004

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)


Pursuant to Local Rule 7.1(A)(2), I, Sara A. Laroche, hereby certify that on August 11, 2004, I conferred with Sean F. McDonough, counsel for Noisette, in a good faith effort to resolve or narrow the issue presented in this motion. We were unable to do so.



Sara A. Laroche

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by hand on defendant's counsel Sean F. McDonough, Esq., Morrison Mahoney, LLP, 250 Summer Street, Boston, MA 02210-1181 on August 11, 2004.


Sara A. Laroche